



Ireland Act 1949

1949 CHAPTER 41

An Act to recognise and declare the constitutional position as to the part of Ireland heretofore known as Eire, and to make provision as to the name by which it may be known and the manner in which the law is to apply in relation to it; to declare and affirm the constitutional position and the territorial integrity of Northern Ireland and to amend, as respects the Parliament of the United Kingdom, the law relating to the qualifications of electors in constituencies in Northern Ireland ; and for purposes connected with the matters aforesaid. [2nd June 1949]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority .of the same, as follows:—

1 Constitutional provisions.

- (1) It is hereby recognized and declared that the part of Ireland heretofore known as Eire ceased, as from the eighteenth day of April, nineteen hundred and forty-nine, to be part of His Majesty's dominions.
- (2) It is hereby declared that Northern Ireland remains part of His Majesty's dominions and of the United Kingdom and it is hereby affirmed that in no event will Northern Ireland or any part thereof cease to be part of His Majesty's dominions and of the United Kingdom without the consent of the Parliament of Northern Ireland.
- (3) The part of Ireland referred to in subsection (1) of this section is hereafter in this Act referred to, and may in any Act, enactment or instrument passed or made after the passing of this Act be referred to, by the name attributed thereto by the law thereof, that is to say, as the Republic of Ireland.

2 Republic of Ireland not a foreign country.

- (1) It is hereby declared that, notwithstanding that the Republic of Ireland is not part of His Majesty's dominions, the Republic of Ireland is not a foreign country for the purposes

of any law in force in any part of the United Kingdom or in any colony, protectorate or United Kingdom trust territory, whether by virtue of a rule of law or of an Act of Parliament or any other enactment or instrument whatsoever, whether passed or made before or after the passing of this Act, and references in any Act of Parliament, other enactment or instrument whatsoever, whether passed or made before or after the passing of this Act, to foreigners, aliens, foreign countries, and foreign or foreign-built ships or aircraft shall be construed accordingly.

- (2) The person who, in the United Kingdom, is the chief representative of the Republic of Ireland or of the Government thereof shall, whatever the style of his office, have the same privileges and exemptions as to taxation and otherwise as fall to be accorded under the law for the time being in force to High Commissioners and Agents General within the meaning of section nineteen of the Finance Act, 1923, and his staff shall have the same privileges and exemptions as to taxation and "otherwise as fall to be accorded under the law for the time being in force to their staffs.

3 Other provisions as to operation of United Kingdom and colonial laws in relation to Republic of Ireland.

- (1) It is hereby declared that—
- (a) the operation of the following statutory provisions, that is to say—
 - (i) the British Nationality Act, 1948 (and in particular, and without prejudice to the generality of the preceding words, sections two, three and six thereof);
 - (ii) so much of any Act, or of any Act of the Parliament of Northern Ireland, as gives effect, or enables effect to be given, to agreements or arrangements made at any time after the coming into operation of the original constitution of the Irish Free State, being agreements or arrangements made with the Government of, or otherwise affecting, the part of Ireland which now forms the Republic of Ireland, including agreements or arrangements made after the commencement of this Act; and
 - (iii) the Orders in Council made under sections five and six of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2),
 is not affected by the fact that the Republic of Ireland is not part of His Majesty's dominions ; and
 - (b) that, in the .said provisions, and in any Act of Parliament or other enactment or instrument whatsoever, so far as it operates as part of the law of, or of any part of, the United Kingdom or any colony, protectorate or United Kingdom trust territory, references to citizens of Eire include, on their true construction, references to citizens of the Republic of Ireland.
- (2) Until provision to the contrary is made by Parliament or by some other authority having power in that behalf, the following provisions shall have effect as respects any Act of Parliament or other enactment or instrument whatsoever passed or made before the passing of this Act, so far as it operates as part of the law of, or of any part of, the United Kingdom or any colony, protectorate or United Kingdom trust territory, that is to say—
- (a) if it contains a reference to His Majesty's dominions, or to any parts thereof, which would have extended so as in any way to include the Republic of Ireland had that part of Ireland remained part of His Majesty's dominions, it shall have effect, with any necessary adaptations, as if that reference did extend so as in

that way to include the Republic of Ireland, notwithstanding that that part of Ireland is no longer part of His Majesty's dominions ; and

- (b) in particular and without prejudice to the generality of the preceding paragraph, if it contains a reference to all, or to any classes or descriptions of, British or British-built ships or aircraft which would have extended so as in any way to include all, or any classes or descriptions of, the ships or aircraft of or built in the Republic of Ireland had that part of Ireland remained part of His Majesty's dominions, it shall have effect, with any necessary adaptations, as if that reference did extend so as in that way to include all, or that class or description of, the ships or aircraft of or built in the Republic of Ireland, as the case may be, notwithstanding that that part of Ireland is no longer part of His Majesty's dominions.
- (3) The last preceding subsection shall not apply to so much of section two of the Regency Act, 1937, as requires that a declaration under that section of the incapacity or unavailability of the Sovereign should be communicated to the Governments of His Majesty's dominions, and nothing in this section shall be construed as implying that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles requires the assent of the Parliament of the Republic of Ireland.

4 Transitional provisions as to references in Acts, etc.

- (1) Subject to the provisions of subsection (4) of this section, subsection (2) of section three of the British Nationality Act, 1948 (which relates to the effect of existing Acts of Parliament and other enactments and instruments) shall have effect in relation to Acts, enactments or instruments passed or made before the end of the year nineteen hundred and forty-nine as it has effect in relation to Acts, enactments or instruments in force at the date of the commencement of that Act.
- (2) Subject to the provisions of subsection (4) of this section, subsection (2) of the last preceding section shall have effect in relation to Acts, enactments or instruments passed or made before the end of the year nineteen hundred and forty-nine as it has effect in relation to Acts, enactments or instruments passed or made before the passing of this Act.
- (3) Where, whether by virtue of the preceding provisions of this section or otherwise, subsection (2) of section three of the British Nationality Act, 1948, or subsection (2) of the last preceding section has effect in relation to any Act, enactment or instrument, it shall, subject to the provisions of subsection (4) of this section, have effect also in relation to any other Act, enactment or instrument which, whether expressly or by implication, is required to be construed in the same way as that Act, enactment or instrument.
- (4) The preceding provisions of this section have effect in relation to any Act, enactment or instrument only in so far as a contrary intention does not appear in that Act, enactment or instrument:

Provided that the fact that an Act, enactment or instrument refers to a British subject, or to, or to any part of, His Majesty's dominions, or to a British or British-built ship or aircraft, without referring to a citizen of the Republic of Ireland, to the Republic of Ireland or to a ship or aircraft of or built in the Republic of Ireland shall not of itself be taken as indicating a contrary intention for the purposes of this subsection, and the same principle of construction shall be applied to other similar expressions.

5 Provisions as to operation of British Nationality Act, 1948.

- (1) A person who—
- (a) was born before the sixth day of December, nineteen hundred and twenty-two, in the part of Ireland which now forms the Republic of Ireland ; and
 - (b) was a British subject immediately before the date of the commencement of the British Nationality Act, 1948,
- shall not be deemed to have ceased to be a British subject on the coming into force of that Act unless either—
- (i) he was, on the said sixth day of December, domiciled in the part of Ireland which now forms the Republic of Ireland; or
 - (ii) he was, on or after the tenth day of April nineteen hundred and thirty-five, and before the date of the commencement of that Act, permanently resident in that part of Ireland ; or
 - (iii) he had, before the date of the commencement of that Act, been registered as a citizen of Eire under the laws of that part of Ireland relating to citizenship.
- (2) In relation to persons born before the said sixth day of December in the part of Ireland which now forms the Republic of Ireland, being persons who do not satisfy any of the conditions specified in paragraphs (i), (ii) and (iii) of subsection (1) of this section, sections twelve and thirteen of the said Act (which relate to citizenship of the United Kingdom and Colonies and to British subjects without citizenship) shall have effect and be deemed always to have had effect as if, in paragraph (a) of subsection (4) of the said section twelve, the words " or a citizen of Eire " and in subsection (1) of the said section thirteen, the words " or of Eire " were omitted.
- (3) So much of the said Act as has the effect of providing that a person is, in specified circumstances, to be treated for the purposes of that Act as having been a British subject immediately before the commencement thereof shall apply also for the purposes of this section.
- (4) Nothing in this section affects the position of any person who, on the coming into force of the British Nationality Act, 1948, became a citizen of the United Kingdom and Colonies or a British subject without citizenship apart from the provisions of this section.

6 Residence Qualification for electors in constituencies in Northern Ireland.

- (1) Notwithstanding anything in the Representation of the People Act, 1948, a person shall not be entitled to vote as an elector at an election of a person to serve as a Member of the Parliament of the United Kingdom for a constituency in Northern Ireland unless he was resident in Northern Ireland during the whole of the period of three months ending on the qualifying date for that election.
- (2) Subsection (2) of section two of the Representation of the People Act, 1948 (which specifies the cases where a person's residence is not to be deemed to be interrupted) and subsection (3) of that section (which provides that a person detained in a mental hospital or prison is not to be treated as resident there) shall apply for the purposes of the preceding subsection as they apply for the purposes of section one of that Act.
- (3) The preceding provisions of this section shall not affect the right to vote of any service voter, and a person ceasing to have a service qualification shall be treated for the purposes of subsection (1) of this section as if he were resident in Northern Ireland during the period during which he had a service qualification.

- (4) The register of parliamentary electors shall, for the purposes of Part I of the Representation of the People Act, 1948, be conclusive on the question whether or not a person registered as an elector in a constituency in Northern Ireland was resident in Northern Ireland during the whole of the period of three months ending on the qualifying date.
- (5) This section shall be construed as if enacted in Part I of the Representation of the People Act, 1948:

Provided that this section shall not have effect with respect to the first register to be prepared under that Act or the elections, if any, for which that register is used.

7 Short title, interpretation and commencement

- (1) This Act may be cited as the Ireland Act, 1949
- (2) References in this Act to colonies, protectorates and United Kingdom trust territories shall be construed as if they were references contained in the British Nationality Act, 1948.
- (3) Save as otherwise expressly provided, this Act shall be deemed to have had effect as from the eighteenth day of April, nineteen hundred and forty-nine.